

CHILD ABUSE AND NEGLECT REPORTING

Purpose: This section lists the procedures on how to report suspected child abuse, neglect, or the rape of a child.

For purposes of this section, “Abuse and neglect” of children means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child by any person under circumstances which indicate that the child’s health, welfare, and safety is harmed.

The laws addressing child abuse and neglect are codified in RCW 26.44.020(12) and RCW 26.44.030(1(d). The laws addressing child rape are codified in RCW 9A.44.073-079.

A. Do I have to report suspected child abuse or neglect to CPS?

State law requires all DSHS employees to report to Child Protective Services (CPS) the suspected abuse or neglect of a child under the age of 18 whenever there is reasonable cause to believe abuse or neglect exists.

CLARIFYING INFORMATION

The term “**reasonable cause**” means that if we observe or learn that a child has been abused or neglected, then we must report the incident to CPS. We must report suspected abuse or neglect even if there is no proof that an incident occurred. The gender or sexual orientation of the parties involved does not matter. We are not required to tell the minor about the report.

Examples of abuse or neglect include:

1. Physical abuse (e.g. unexplained bruises or cuts or repeated untreated injuries);
2. Sexual abuse or exploitation (e.g. online pedophiles or child prostitution);
3. Negligent treatment (e.g. appears malnourished, unclean, or refuses to get needed medical care);
4. Emotional or mental health issues (e.g. appears depressed, agitated, or nonresponsive); or
5. Child tells us they have been abused or neglected.

NOTE: All DSHS employees are Mandatory Reporters, meaning that by law we are required to report suspected child abuse, neglect, and child rape. Mandatory Reporters may provide information to CPS and law enforcement when reporting abuse or neglect that would otherwise be confidential. Persons who report in good faith have immunity from liability, while those who fail to report or make a bad faith report may be charged with a gross misdemeanor under RCW 26.44.080.

WORKER RESPONSIBILITIES

Always report suspected abuse at the first opportunity, but no later than 48 hours after you decide reasonable cause exists that an incident occurred. Report the abuse to CPS at 1-800-562-5624. Document in the case file that a report to CPS was made.

NOTE: For all cases involving child abuse, neglect, or rape, do not delay authorizing medical or financial assistance to an eligible household or completing a teen living assessment for a pregnant or parenting minor applying for TANF. Refer all pregnant clients to First Steps

B. Do I have to report suspected child rape to law enforcement?

1. State law requires all DSHS employees to report suspected child rape to law enforcement. We often become aware of child rape when working with a pregnant or parenting female under the age of 16. For this reason, the definitions below refer to the age of “the father” of the minor’s child. **However, the requirement to report is not limited to female pregnant or parenting minors under age 16, or only to child rape that results in pregnancy.**
2. There are three degrees of child rape (as defined in RCW 9A.44.073-079). The age of the minor refers to the age at the time of conception, and “father” refers to the father of the minor’s child. Report child rape to law enforcement when the child is a pregnant or parenting minor and at the time of conception the child was:
 - a. Less than 12 years of age when the father of the minor’s child was at least 24 months older;
 - b. At least 12 years of age but less than 14 when the father of the minor’s child is 36 months older; or

- c. At least 14 years of age but less than 16 when the father of the minor's child is at least 48 months older and is not married to the minor.
- 3. When we report suspected child rape to law enforcement, the report must include the following, if known:
 - a. The child's name, address, and age;
 - b. The name and address of the child's parent, stepparents, guardians, or other persons having custody of the child;
 - c. Information about injuries, neglect, or sexual abuse; and
 - d. The identity of the alleged perpetrator.

CLARIFYING INFORMATION

A report of child rape to law enforcement can be made only when the department knows the age of the alleged perpetrator. We do not have to ask the age of the alleged father. However, if the age of the father is known (for example, the age has been disclosed on a Child Support Referral form) and it meets one of the child rape conditions above, a report of suspected child rape must be made to the law enforcement agency that has jurisdiction where the minor lives (either city police or county sheriff).

The gender or sexual orientation of the parties involved does not matter. If the incident meets the child rape criteria above, we must report it to the appropriate law enforcement agency (e.g. city police or county sheriff).

WORKER RESPONSIBILITIES

An oral report can be made, but a written report must be sent upon request by the law enforcement agency. To find a law enforcement agency, click on:
<http://www.westernwashington.com/stateinfo/enforcement/>

To report the incident, use DSHS 10-294 – Mandatory Report to Law Enforcement. Document in the case record that a report to law enforcement was made.

Also, report to CPS at 1-800-562-5624 if abuse or neglect is a factor. There may be situations in which reports to both law enforcement for child rape and CPS for abuse or neglect are made.